



# City of El Segundo

**Cindy Mortesen, CMC**

*City Clerk*

August 5, 2010

Ms. Sachi A. Hamai  
Executive Officer Board of Supervisors  
Kenneth Hahn Hall of Administration  
500 W. Temple Street, Room 383  
Los Angeles, California 90012

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

**#44 AUGUST 31, 2010**

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Re: City of El Segundo Special Municipal Election November 2, 2010

Dear Ms. Hamai:

At its regular meeting of August 3, 2010 the City Council of the City of El Segundo, California, adopted Resolution No. 4669, which calls and gives notice of a Special Municipal Election on November 2, 2010 and requests that the Board of Supervisors of the County of Los Angeles approve a consolidation of a Special Municipal Election to be held in the City on November 2, 2010. Attached is a certified copy of Resolution No. 4669 for your information.

The City of El Segundo recognizes that additional costs will be incurred by the County by reason of this consolidation and agree to reimburse the County of any costs incurred on the City's behalf.

Please advise if anything further is required of this Office regarding the provision of services by the County of Los Angeles.

Should you have any questions regarding the above, or require anything further, please feel free to call me at 310-524-2307.

Sincerely,

*Cindy Mortesen, for*

CINDY MORTESEN  
City Clerk

Enc.

Office of the City Clerk  
350 Main Street, El Segundo, California 90245-3895  
Phone (310) 524-2307 FAX (310) 615-0529

**RESOLUTION NO. 4669**

**A RESOLUTION CALLING A SPECIAL ELECTION ON NOVEMBER 2, 2010 PURSUANT TO ELECTIONS CODE §§ 9222 AND 10403.**

The City Council of the city of El Segundo resolves as follows:

SECTION 1: Pursuant to Elections Code §§ 9222 and 10403, the City Council calls for a special election to be held in the City of El Segundo on Tuesday, November 2, 2010, for the purpose of considering a ballot measure.

SECTION 2: Pursuant to Election Code § 10403, the City Council requests that the special election be consolidated with any general district, special district, or other election held on the same day in the same territory.

SECTION 3: Pursuant to Elections Code §§ 9222 and 13119 the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

**SHALL THE ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE CHAPTER 3-7 TO TEMPORARILY INCREASE THE UTILITY USER TAXES BY 1% TO FUND GENERAL MUNICIPAL SERVICES INCLUDING, WITHOUT LIMITATION, POLICE PROTECTION AND CRIME SUPPRESSION SERVICES, FIRE PREVENTION AND SUPPRESSION SERVICES, AND PARK AND RECREATION FACILITIES AND SERVICES BE ADOPTED?**

Yes ☐

No ☐

SECTION 4: Copies of the ordinance to be considered by the voters are attached as Exhibit "A" and incorporated by reference, and were approved by the City Council by separate resolutions. The ballot measures will be designated as Measure O on the ballot, respectively, unless provided a different designation by the Los Angeles County Elections Division.

SECTION 5:

The Los Angeles County Board of Supervisors is requested to issue instructions to the County Clerk to take any and all steps necessary for the holding of said consolidated election.

SECTION 6: The polls will open at 7 a.m. on election day and remain open until 8 p.m.

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The foregoing instrument is a full, true, and correct copy of the original on file in this Office:

ATTEST: August 5, 2010

Cathy Domann, Sr.

City Clerk, City of El Segundo

SECTION 7: The Los Angeles County Clerk is authorized to canvass the returns of the Special Election. The election will be held in all respects as if there were only one election, and only one form of ballot will be used.


SECTION 8: The Los Angeles County Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

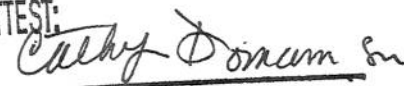
SECTION 9: The City Clerk is directed to forward, without delay, to the Board of Supervisors of the County of Los Angeles, and to the Los Angeles County Elections Department, each, a certified copy of this Resolution.

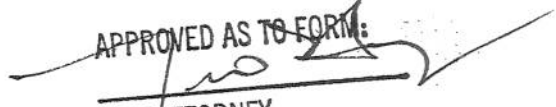
SECTION 10: The City of El Segundo recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 11: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 3<sup>rd</sup> day of August, 2010.

  
Eric Busch, Mayor

ATTEST:  
  
City Clerk  
City of El Segundo

APPROVED AS TO FORM:  
  
CITY ATTORNEY

## ORDINANCE NO. 1445

**AN INITIATIVE MEASURE AMENDING EL SEGUNDO MUNICIPAL CODE §§3-7-3(A), 3-7-4(A), 3-7-5(A), 3-7-6(A) AND 3-7-7(A) TO INCREASE THE UTILITY USERS TAX TO FUND GENERAL MUNICIPAL SERVICES INCLUDING, WITHOUT LIMITATION, POLICE PROTECTION AND CRIME SUPPRESSION SERVICES, FIRE PREVENTION AND SUPPRESSION SERVICES, AND PARK AND RECREATION FACILITIES AND SERVICES.**

The people of the city of El Segundo do hereby ordain as follows:

SECTION 1: El Segundo Municipal Code ("ESMC") § 3-7-3(A) (Electricity Users Tax) is amended to read as follows:

"A. Tax Imposed: There is hereby imposed a tax upon every commercial or industrial utility user in the city using electrical energy in the city. The tax imposed by this section shall be at the rate of four percent (4%) of the charges made for such energy and shall be paid by the commercial or industrial utility user paying for such energy. The four percent (4%) rate shall be reduced to three percent (3%) effective June 1, 2013. "Charges", as used in this section, shall include charges made for: 1) metered energy; and 2) minimum charges for service, including customer charges, services charges, demand charges, standby charges and annual and monthly charges, fuel cost adjustments, etc."

SECTION 2: ESMC § 3-7-4(A) (Tax on Cogenerated Electricity) is amended in its entirety to read as follows:

"A. Tax Imposed: There is hereby imposed a tax upon every commercial or industrial utility user in the city using cogenerated electrical energy in the city. The tax imposed by this section shall be at the rate of four percent (4%) of the value of the cogenerated energy. The four percent (4%) rate shall be reduced to three percent (3%) effective June 1, 2013. The value shall be equal to the price an electrical corporation, serving the city, would pay to purchase electrical energy from a cogenerator. The cogenerator shall install and maintain an appropriate utility-type metering system which will enable compliance with this Section."

SECTION 3: ESMC § 3-7-5(A) (Gas Users Tax) is amended in its entirety to read as follows:

"A. Tax Imposed: There is hereby imposed a tax upon every commercial or industrial utility user in the City other than a gas corporation, using in the City, gas which is delivered through mains or pipes. The tax imposed by this Section shall be at the rate of four percent (4%) of the charges made for such gas and shall be paid by the commercial or industrial utility user paying for such gas. The four percent (4%) rate shall be reduced to three percent (3%) effective June 1, 2013. "Charges", as used in this Section, shall include: 1) gas which is delivered through

mains of pipes; and 2) minimum charges for services, including customer charges, service charges, and annual and monthly charges.”

SECTION 4: ESMC § 3-7-6(A) (Water Users Tax) is amended in its entirety to read as follows:

“A. Tax Imposed: There is hereby imposed a tax upon every commercial or industrial utility user in the City using water which is delivered through mains or pipes. The tax imposed by this Section shall be at the rate of four percent (4%) of the charges made for such water and shall be paid by the commercial or industrial utility user paying for such water.” The four percent (4%) rate shall be reduced to three percent (3%) effective June 1, 2013.

SECTION 5: ESMC § 3-7-7(A) (Communication Services User Tax) is amended in its entirety to read as follows:

“A. A tax is imposed upon every service user in the City using communication services. The maximum tax imposed by this Section is three percent (3%) of the charges made for such services and must be collected from the service user by the communication services supplier or its billing agent. The three percent (3%) rate shall be reduced to two percent (2%) effective June 1, 2013. There is a rebuttable presumption that communication services billed to a billing or service address in the City are used, in whole or in part, within the City's boundaries and such services are taxable under this Chapter. If the billing address of the service user is different from the service address, the service address of the service user must be used for purposes of imposing the tax. As used in this Section, the term “charges” include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.”

SECTION 6. INTERPRETATION. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 7. SEVERABILITY. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, the remainder of the initiative and the application of such provision to other persons or circumstances shall not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to



sustain and reenact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.

SECTION 8: CONSTRUCTION. This Initiative must be broadly construed in order to achieve the purposes stated in this Initiative. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

SECTION 9: ENFORCEABILITY. Repeal of any provision of the El Segundo Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 11: EFFECTIVE DATE. This Initiative will enact and impose a general tax. Accordingly, it will be submitted to a general election on November 2, 2010 for voter approval. If a majority of voters vote in favor of this Initiative, it will become valid and binding ten days after the date that the City Council certifies the election results in accordance with Elections Code § 9217.

SECTION 12. The Mayor will sign this Initiative and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's general election on November 2, 2010 approve the proposition asking whether the voters approve this Initiative.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Eric Busch, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:

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Mark D. Hensley, City Attorney